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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,098	02/13/2002	Lysander Lim	SILA:075	7256

7590 11/18/2004

O'KEEFE, EGAN & PETERMAN, L.L.P.  
Building C, Suite 200  
1101 Capital of Texas Highway South  
Austin, TX 78746

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DT

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,098	LIM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tilahun B Gesesse	2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-10 of U.S. Patent No. 6,804,497.

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Although the conflicting claims are not identical, they are not patentably distinct from each other because the conflicting claim recites similar subject matter, such as first circuitry partition and second partitioned so that interference effects between the first circuit and second partition tend to be reduced. Therefore, it is appropriate to apply nonstatutory double patenting rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

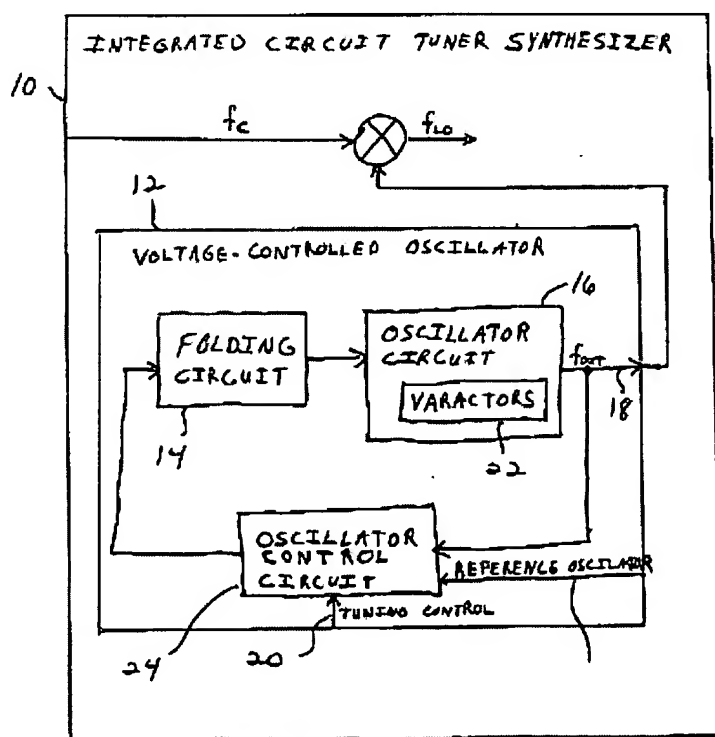
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Gomez et al. "Gomez" (US 2002/0008593).

Claim 1, Gomez discloses a radio-frequency apparatus transmitter path circuitry (page 1 para 0004), including, the a voltage-controlled oscillator circuitry (12), the voltage-controlled circuitry configured to generate an output signal having an adjustable frequency in response to first and second control signals (page 1 para 0007 and figure 1), a first feedback circuitry (ref. Oscillator) the first feedback circuitry (24) being responsive to the output signal of the voltage-controlled oscillator circuitry, the first feedback circuitry configured to provide the first control signal to the voltage-controlled oscillator circuitry (page 2, para 0021 –0022). Gomez discloses a second feedback

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circuitry (20), the second feedback circuitry being responsive to the output signal of the voltage-controlled oscillator circuitry, the second feedback circuitry configured to provide the second control signal to the voltage-controlled oscillator circuitry (tune control feedback, page 2, para 0021 and figure 1). Gomez discloses the first control signal coarsely adjusts the frequency of the output signal of the voltage-controlled oscillator circuitry to a desired frequency (page 1 para 0007), and the second control signal fine tunes the frequency of the output signal of the voltage-controlled oscillator circuitry to the desired frequency (page 1 para 0022 and figure 1).



The integrated synthesizer (10) includes VCO (12) to generate an output signal (Fout 18) having an adjustable frequency in response to first and second control signals

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(output signal feedback and ref osc and tuning control signals) to adjust the output frequency).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Welland et al "Welland" (US 6,323,735).

Claim 2, Welland discloses a radio-frequency (RF) apparatus (figure 5), a first circuit partition, (Vc) receiver analog circuitry configured to produce a digital receive signal from an analog radio-frequency signal (figure 4)', and a second circuit partition (Bc), receiver digital circuitry configured to accept the digital receive signal (column 9, lines 24-53 and figure 4), the first and second circuit partitions are partitioned so that interference effects between the first circuit partition and the second circuit partition tend to be reduced to adjust frequency signal, figure 4 and column 9, lines 24-53).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kam (3,579,281) discloses a radio-frequency (RF) apparatus (figure 5), a first circuit partition, (automatic coarse tuning system 64) receiver analog circuitry configured

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to produce a digital receive signal from an analog radio-frequency signal (figure 5)', and a second circuit partition (68), receiver digital circuitry configured to accept the digital receive signal (column 5, lines 48-55), the first and second circuit partitions are partitioned so that interference effects between the first circuit partition and the second circuit partition tend to be reduced to adjust frequency error correction signal and phase error correction signal, figure 5 and column 5, lines 21-75).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Tilahun Gesesse*  
Primary Examiner  
US Patent and Trademark Office  
Tel. 703-308-5873

  
**TILAHUN GESESSE**  
**PATENT EXAMINER**

November 5, 2004